

February 8, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: *Ex Parte* Communication: WC Docket Nos. 10-90, 07-135, 05-337, 03-109;
 GN Docket No. 09-51; CC Docket Nos. 01-92, 96-45; WT Docket No. 10-208**

Dear Ms. Dortch:

On February 6, 2012, Melissa Newman and Jeffrey Lanning of CenturyLink, Michael Saperstein of Frontier Communications, Jennie Chandra of Windstream, and Micah Caldwell and the undersigned of the Independent Telephone & Telecommunications Alliance ("ITTA") met with Carol Matthey, Rebekah Goodheart, Amy Bender, Joe Cavender, Steve Rosenberg and Michael Byrne of the Wireline Competition Bureau to address an issue raised in the petitions for reconsideration filed by ITTA and jointly by Frontier and Windstream relating to price cap carriers' eligibility for Connect America Fund (CAF) Phase 1 incremental support. The attached document was distributed and discussed during the meeting.

Specifically, we discussed the fact that the National Broadband Map (NBM) overstates where 768 kbps service actually is available to homes in a census block because fixed wireless services using unlicensed spectrum and/or line-of-sight technologies cannot reach many locations in a census block and because many providers of fixed wireless services face capacity challenges, typically limit customers' usage, and charge high prices. We also noted that many unserved locations are located in partially-served census blocks. We stressed that these factors threaten the Commission's goal "to provide an immediate boost to broadband deployment" to unserved locations.

We urged the Commission to rule that homes that cannot be adequately served by providers of fixed wireless services should not be excluded from Phase 1 incremental CAF support and that carriers should be allowed to use CAF Phase 1 incremental support to serve unserved locations in partially-served census blocks. We suggested that a carrier be permitted to include partially-served census blocks and census blocks represented on the NBM as served at 768 kbps by a fixed wireless provider that the carrier has concluded on a reasonable basis contain locations that are not able to receive adequate fixed wireless service in its notice of the amount of support it wishes to accept and the census blocks in which it intends to deploy broadband.

Ms. Marlene H. Dortch
February 8, 2013
Page 2

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed electronically in the above-referenced dockets.¹ Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,



Genevieve Morelli
President
ITTA

Attachment

cc: Carol Matthey
Rebekah Goodheart
Amy Bender
Joe Cavender
Michael Byrne
Steve Rosenberg

¹ 47 C.F.R. § 1.1206.

CAF PHASE 1 ELIGIBILITY

THE GOAL OF CAF PHASE 1 INCREMENTAL SUPPORT

- “CAF Phase 1 incremental support is designed to provide an immediate boost to broadband deployment in areas that are unserved by any broadband provider.”
- “To spur immediate buildout, we will provide additional funding ... to extend robust, scalable broadband to hundreds of thousands of unserved Americans”
- “Specifically, carriers must provide broadband with actual [sustained] speeds of at least 4 Mbps downstream and 1 Mbps upstream ... and with monthly usage capacity reasonably comparable to that of residential terrestrial fixed broadband offerings in urban areas.”

CURRENT PHASE 1 TEST

- All census blocks on the National Broadband Map (768 kbps and up) are excluded if at least one location is served. In addition, a recipient must certify that the area is unserved by any provider based on its own investigation. Finally, the area cannot be included in current build plans and/or merger commitments.

ELIGIBILITY REQUIREMENTS THREATEN THE GOAL

- The National Broadband Map overstates where service actually is available to homes in a census block.
 - Fixed wireless services provisioned using unlicensed spectrum and/or line-of-sight technologies cannot reach many locations in a census block.
 - Many current providers of fixed wireless services appear to face substantial capacity challenges, typically limit customers’ usage, and charge high prices.
- Eligible census blocks cannot contain even one served location, yet most unserved locations are in partially-served census blocks.
- CAF Phase 1 funds cannot be used to upgrade customers in many locations from 768 kbps to 4 mbps.

PROPOSED PHASE 1 SOLUTION

- The homes that cannot be adequately served by providers of fixed wireless services should not be excluded from CAF Phase 1 incremental support.
- Carriers should be allowed to use CAF Phase 1 incremental support to serve unserved locations in partially-served census blocks.
- Carriers should be permitted to use the CAF Phase 1 funds to upgrade locations currently receiving less than 4 Mbps service regardless of location.